



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/475,448

12/30/1999

David Johnston LYNCH

RCA-89-385

6337

24498

7590

04/19/2006

THOMSON LICENSING INC.
PATENT OPERATIONS
PO BOX 5312
PRINCETON, NJ 08543-5312

EXAMINER

WILDER, PETER C

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/475,448	Applicant(s) LYNCH, DAVID JOHNSTON	
	Examiner Peter C. Wilder	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Note to Applicant

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

Claims 1-9 canceled.

Claims 10 and 23 amended.

Claims 11-22 and 24-29 unamended.

Response to Arguments

Applicant's arguments with respect to claims 10-29 have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground of rejection has been used to address additional limitations that have been added to **claims 10 and 23**, a response is considered necessary for several of applicant's arguments since reference **Collings**, will continue to be used to meet several claimed limitations.

The applicant argues on page 7 third paragraph "However, Collings do[es] not teach selecting a program such that the selected program is unblocked. The system of Collings requires that to watch a restricted program one must disable all applicable blocking functions to the specified program."

The examiner notes in Column 17 lines 20-32 of Collings temporarily disabling one or more blocking features, one of the features including the blocking of a specific program "Program Block."

The applicant argues on page 8 second paragraph "This is unlike the present invention which blocks programs upon completion of the selected program according to the original at least one user profile. Therefore, Collings neither discloses nor suggests "whereby upon completion of said selected program, said supervisor control system identifies images to be blocked according to said at least one viewer profile..."

The applicant notes in Column 3 lines 11-16 teaches user preferences/profile having viewing control levels. Column 17 lines 1-32 of Collings teaches temporarily disabling one or more blocking features, one of the features including the blocking of a specific program "Program Block." The American Heritage College dictionary 4th addition teaches the definition of "temporary: Lasting, used, serving, or enjoying for a limited time." A program has a start and end time so a blocked program is only unblocked for the length of the program while it is being aired, and once the program is done airing the profile viewing control levels would be returned to normal and block the program.

In response to applicant's arguments from the last paragraph of page 8 to 11

Art Unit: 2623

against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Objections

Claim 18 recites the limitation "said at least one" in referring to the override list. This should be changed to "said override" list. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-17, 19, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collings (U.S. 5,828,402) in view of Ford (U.S. 6,181,364).

Regarding claim 10, Collings discloses a video signal processor for producing an output signal suitable for coupling to a display device 22 to produce a plurality of images for display to at least one viewer (Column 3, lines 17-31).

Collings discloses a supervisor control system 20 operable by a supervisor to create at least one viewer profile (profile: Column 16, lines 50-67) identifying programs to be blocked from display to the at least one viewer (Column 3, lines 5-16).

Collings discloses the supervisor control system 20 operable by the supervisor to select a specific program having a rating above a set rating for blocking programs applicable to the viewer profile such that the select program is unblocked while the other of said plurality of images for display are blocked (one or more features unblock [time and program unblocked]: Column 17, lines 1-32), whereby completion of the selected specific program, the supervisor control system 20 identifies programs to be blocked according to the at least one viewer profile (one or more features unblock [time and program unblocked]: Column 17, lines 1-32 teach temporarily disabling the blocking features according to a channel which means that all other programs except that channel will still be blocked; also see set and save threshold: Column 17, line 49-Column 18, line 4).

However, Collings fails to disclose the supervisor control system 20 identifies images to be blocked according to the at least one viewer profile.

Ford discloses identifying images (Column 5 lines 8-25) to be blocked according to the at least one viewer profile (Column 2 lines 6-14 teaches user defined rating settings which means a profile exists).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collings to identify images to be blocked according to at least one viewer profile as taught by Ford for the benefit of blocking objectionable video scenes.

Regarding claim 11, depending on claim 10, Collings in view of Ford discloses the images (Ford: Column 8, lines 45-64) correspond to programs and the viewer profile identifies programs to be blocked from display to the at least one viewer (Collings: Column 17, lines 8-32; figures 5B and 5H).

Regarding claim 12, depending on claim 10, Collings in view of Ford discloses the images (Ford: images) correspond to channels and wherein the viewer profile identifies channels to be blocked from display to at least one viewer (Collings: Column 17, lines 8-32; figures 5B and 5G).

Regarding claim 13, depending on claim 10, Collings in view of Ford discloses the viewer profile identifies at least one time period during which all images are to be blocked from display to the viewer (Collings: Column 17, lines 8-32; figures 5B and 5I).

Regarding claim 14, depending on claim 10, Collings in view of Ford discloses an override list (Collings: Column 17, lines 20-32; figure 5B) is formed including a selection of a plurality of programs (Collings: delete program(s) from list to unblock: Column 19,

line 52-Column 20, line 6; figure 5H) having a rating above a set rating for blocking programs applicable to the viewer profile by a user and the override list is applicable to at least one corresponding viewer profile such that at least one image (Ford: images) to be blocked according to the viewer profile is unblocked and at least one other image not blocked according to the viewer profile is blocked (Collings: user overrides one label to 'allow' and overrides another label to 'block': figure 5E; also see Column 17, lines 1-32).

Regarding claim 15, depending on claim 14, Collings discloses the override list (figure 5B) is temporarily applied to at least one viewer profile (Column 17, lines 1-32).

Regarding claim 16, depending on claim 14, Collings discloses the override list is applied for a period of time specified by the supervisor (suspend for 1 hour: Column 17, lines 20-32).

Regarding claim 17, depending on claim 14, Collings discloses the override list includes at least one override selected from the group comprising at least one channel override, at least one time period blocking override, at least one rating blocking override, at least one program override, at least one total view time override (Column 17, lines 20-32; figure 5B).

Regarding claim 19, depending on claim 14, Collings discloses the control system 20 operable by the supervisor to create a plurality of override lists (more than

one feature) applicable to the at least one viewer profile (Column 17, lines 20-32; figure 5B).

Regarding claim 21, depending on claim 10, Collings discloses the supervisor control system 20 for producing an output signal includes at least one item selected from the group comprising: television receiver, VCR tuner (Column 3, lines 17-30).

Regarding claim 22, depending on claim 14, Collings discloses a display to a viewer a blocking status based upon the override list (figure 5B).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collings in view of Ford in further view of Sullivan et al. (U.S. 204/0040034 A1).

Regarding claim 18, depending on claim 14, Collings teaches an override list, but, Collins and Ford fail to disclose at least one list is applicable to a plurality of viewer profiles.

In an analogous art Sullivan teaches wherein said at least one list is applicable to a plurality of viewer profiles (¶[0036] teaches an age group of children can have different parental controls of other age groups. The individual children in the age group have a common profile of being a certain age and the same parental control settings/list apply to all the children with the age profile).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined methods of Collings and Ford with the signal control settings for children each having a profile of being a certain age of Sullivan for the purpose of being able to easily modify the parental control settings for a group that are always the same.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collings in view of Ford in further view of West et al. (U.S. 5,550,575).

Regarding claim 20, depending on claim 10, Collings and Ford fail to teach wherein said control system is operable by said supervisor to create a plurality of override lists applicable to a plurality of viewer profiles.

In an analogous art West teaches said control system is operable by said supervisor to create a plurality of override lists applicable to a plurality of viewer profiles (Column 5 lines 30-40 teaches multiple user profiles each having there own levels of censorship, Also Column 7, lines 29-40 and Column 14, lines 16-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collings in view of Ford to have a plurality of profiles as taught by West so the parent can specify the level of viewing for each member of a household that has different age groups.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Collings (U.S. 5828402).

Regarding claim 23, Collings discloses in a video signal processing system for producing an output signal suitable for coupling to a display device to produce images to be displayed to at least one viewer (Column 3, lines 17-31, Figure 1 and Figure 2), a method for blocking viewing by at least one viewer (Column 17 lines 1-32) comprising the steps of;

creating a viewer profile identifying images to be blocked for a corresponding viewer (Column lines 11-16 teaches blocking of programs according to a viewer, The blocking of programs for a viewer is a viewer profile that is being modified);

selecting a program having a rating above a set rating for blocking programs to be applied to said viewer profile so as to allow said corresponding viewer to view said selected program (Column 17 lines 1-32 teaches a user disabling a program block temporarily);

Monitoring blocking of the other of said images to be displayed according to the viewer profile (Column 17 lines 58-67 teaches the system blocking an incoming video signal because a value was exceeding a threshold, in order for the system to block the signal it has to monitor the signal); and

monitoring blocking of viewer of all images according to the viewer profile upon completion of said selected program (Column 17 lines 20-32 teaches the word temporarily disabling the blocking of video signals for a program and Column 58-67 teaches monitoring).

Regarding claim 24, Collings discloses forming the override list (Figures 5B-5I) and the user preference information is stored in non-volatile memory 58 (Column 13 lines 7-25; Column 17 lines 58-60).

Regarding claim 25, depending on claim 24, Collings teaches a step of specifying a time period for application of said override list to said viewer profile (Column 17, lines 20-32 teaches Unblocking a channel for one hour).

Regarding claim 26, depending on claim 24, Collings teaches including a step of applying said override list to said viewer profile at the start of said specified time period and stopping application of said list to said viewer profile after expiration of said specified time period (Column 17 lines 20-32 teaches the temporarily disabling a blocking feature or features list and a Program being unblocked; After the program is

done airing, which is a specified time period, the blocking features that would normally block the program would be activated).

Regarding claim 27, depending on claim 23, see rejection of claim 11.

Regarding claim 28, depending on claim 23, see rejection of claim 12.

Regarding claim 29, depending on claim 23, see rejection of claim 13.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PW


CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800